

August 22, 2007

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Ex Parte* Presentations in MB Docket No. 07-29

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, the Coalition for Competitive Access to Content (CA2C), submits this notice of an *ex parte* presentation in the above-captioned proceeding.

On August 22, 2007, members of the CA2C including: Stacy Fuller, DIRECTV; James Smith, AT&T; Jeff Lanning, Embarq; Kevin Rupy, US Telecom; Steve Pastorkovich, OPASTCO; Richard Ramlall, RCN; Parul Desai, Media Access Project; Joshua Seidemann, ITTA; Martin L. Stern, Legal counsel for The Coalition for Competitive Access to Content (CA2C); and I, had a meeting on behalf of the referenced companies and organizations with Rick Chesson, Legal Advisor to Commissioner Copps.

At this meeting we discussed the policy positions advocated by the CA2C in its Comments and Reply Comments previously submitted in this proceeding. We also requested that the FCC endorse closing the terrestrial loophole. The agenda used for this meeting is appended as further reference to this discussion.

Respectfully submitted by:

/s/

John Goodman, President, CA2C
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Enclosure

cc: Rick Chesson

Coalition for Competitive Access to Content (CA2C)
FCC Meeting Agenda, August 22, 2007
Rick Chessen, Media Advisor to Commissioner Copps

CA2C Attendees: Stacy Fuller, DIRECTV
James Smith, AT&T
Parul Desai, Media Access Project
Jeff Lanning, Embarq
Kevin Rupy, US Telecom
Richard Ramlall, RCN
Joshua Seidemann, ITTA
Steve Pastorkovich, OPASTCO
John Goodman, CA2C
Martin Stern, K&L Gates

1. Introduction

- The CA2C is a diverse coalition that agrees on core program access issues.
- The CA2C was the primary sponsor for program access legislation during 2006 that would have closed the “Terrestrial Loophole”.
- The CA2C filed comments and reply comments in the current 07-29 proceeding.

2. Program Access

- The ban on exclusives must be extended because cable operators still have the incentive and the ability to withhold vertically integrated “must have” content from their competitors.
- Any diminished access to such content will harm both current and desired video competition.
- The current rules have been historically essential and have caused no harm.
- We recommend extension of the current rules with strengthened enforcement procedures.
 - An extension of 5 years
 - Better discovery with appropriate assured confidentiality
 - 120 day complaint proceeding
- Program access rules also benefit further broadband development.

3. The “Terrestrial Loophole”.

- The CA2C continues to support closing the terrestrial loophole.
- We recognize that the best solution to this issue will likely be legislative.
- We seek FCC endorsement to close the terrestrial loophole.